



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, FF

Introduction

This hearing dealt with an application from tenant under the *Residential Tenancy Act* (the Act). The tenant applied for:

- cancellation of the landlord's 2 Month Notice to End Tenancy for Landlord's Use of Property (the 2 Month Notice) pursuant to section 49; and
- authorization to recover her filing fee for this application from the landlord pursuant to section 72.

The landlord participated in the teleconference, the tenant did not. The tenant is the applicant in this matter and served the landlord the Notice of Hearing documents to reflect today's date and time. I am satisfied that the tenant was aware of today's hearing and on that basis; the hearing proceeded and completed in the absence of the tenant. The landlord was represented by her daughter SZ.

Issues to be Decided

Should the landlord's 2 Month Notice be cancelled? If not, is the landlord entitled to an Order of Possession?

Is the tenant entitled to recover the filing fee for this application from the landlord?

Background and Evidence

SZ gave the following undisputed testimony. The tenancy began on or about July 1, 2014. Rent in the amount of \$500.00 is payable in advance on the first day of each month.

SZ testified that the landlord issued a Two Month Notice to End Tenancy for Landlord's Use of Property on May 22, 2017 with an effective date of August 1, 2017, as the

landlord wishes to move into this unit and wants the tenant to move out. SZ testified that her mother and her common law are elderly and want to use the subject unit as it is ground level and easily accessible. SZ requested an order of possession.

Analysis

Although the tenant filed an application to dispute the notice, the tenant chose not to participate in this hearing or provide sufficient documentation to have the notice set aside. I find that the 2 Month Notice to End Tenancy for Landlords' Use of Property meets the requirements of Section 52 of the Act and is valid. I also find that based on the undisputed testimony before me, the landlord intends to move into the subject unit and therefore is entitled to an order of possession on the corrected effective date of July 31, 2017.

The tenant has not been successful in her application.

The Notice remains in full effect and force.

Conclusion

The tenant's application is dismissed in its entirety without leave to reapply. The landlord is granted an order of possession. The tenancy is terminated.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: July 27, 2017

Residential Tenancy Branch